

## JUSTIFICATION FOR AN EXCEPTION TO FAIR OPPORTUNITY

1. Contracting Activity: Department of Veterans Affairs (VA)  
Office of Acquisition Operations  
Technology Acquisition Center  
260 Industrial Way West  
Eatontown, New Jersey 07724

2. This requirement will be accomplished via:

☒ New Purchase Order

☐ Modification No.

☐ Purchase Card

Purchase Order will be:

☒ Firm Fixed Price ☐ Cost Type Contract:

☐ Time and Materials ☐ Other (Specify):

Type of Funds (e.g. *Supply Fund, Franchise Fund, IT, etc.*):

☒ IT

3. Description of Supplies or Services:

☒ Supplies

Item name: Silicon Graphics International (SGI) Copan Storage Maintenance Support.

Part of or used with: The SGI Copan Storage Maintenance Support shall be used with previously acquired SGI Copan 400M Storage System hardware.

Quantity being procured: One SGI FullCare Support Plan for a Copan Maid Base Cabinet, one SGI CS Secure Site Plan for a Copan Maid Base Cabinet, one SGI FullCare Support Plan for Copan Power Supply Option, one SGI FullCare Support Plan for Copan Power Bay, one SGI FullCare Support Plan for a Copan Maid 112x1TB Storage Shelf Base, one SGI FullCare Support Plan for a Copan Maid 112x1TB Storage Shelf, one SGI FullCare Support Plan for a Copan CD-ROM Update Media Requirement, and one SGI CS Secure Site, Secure Drive Uplift.

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Estimated unit cost: REDACTED

Estimated total cost: REDACTED

4. Authority Cited:

[ ] FAR 13.106-1(b)(1)

[ X ] Other FAR Authority: The statutory authority permitting an exception to fair opportunity is Section 41 U.S.C. 4106(c) as implemented by the Federal Acquisition Regulation (FAR) Subpart 16.505(b)(2)(i)(B), entitled "Only one awardee is capable of providing the supplies or services required at the level of quality required because the supplies or services ordered are unique or highly specialized".

5. Reason for Authority Cited:

[X ] Explain need for brand name: Based on market research, as described in paragraph eight of this document, it was determined that limited competition is available among authorized resellers for the aforementioned maintenance support. This is a brand name justification in support of FAR 11.105, Items Peculiar to One Manufacturer. Only SGI, or an authorized reseller, has the proprietary rights to provide the required maintenance support for the existing SGI Copan 400M Storage System hardware presently in use by VA Enterprise System Engineering (ESE). The subject maintenance support, from SGI, or an authorized reseller, will provide the manufacturer's website resources, next business day response time for on-site troubleshooting, next business day hardware component replacement for failed parts, new microcode and firmware releases. ESE previously purchased and is using the SGI Copan 400M Storage System which enables data storage for VA servers which run various versions of Microsoft Windows and VA authorized Linux software in the Systems Design and Core Services Testing Lab. This maintenance support is critical to the continued functionality of the SGI Copan 400M Storage System for VA data storage.

6. Efforts to Obtain Competition:

SGI, or authorized resellers, are the only sources that can meet the requirements for the reasons given above. This effort did not yield any additional sources that can meet the Government's requirements. It was determined, however, that limited competition is viable among authorized resellers for this brand name item on the NASA SEWP IV GWAC. Procurement data does not include any unnecessary requirements that may inhibit competition.

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7. Actions to Increase Competition:

Although the Government is limiting competition as a result of specifying a specific brand name, there are 11 authorized resellers of SGI maintenance support products on the NASA SEWP IV GWAC. In accordance with FAR 5.202(a)(13)(i), this effort is exempt from synopsis since the proposed action is not expected to exceed the simplified acquisition threshold. The Government will continue to conduct market research to ascertain if there are changes in the market place that would enable future actions to be competed.

8. Market Research:

REDACTED

9. Interested Sources:

[ X ] No other source has expressed written interest in supplying this item.